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REMARKS

A check in the amount of \$344 dollars is enclosed to cover the official fee, on the large entity basis, for four (4) independent claims in excess of three (3) independent claims.

The specification is objected to for the reasons noted in the official action, i.e., the entered amendments enter new matter. The raised rejection is acknowledged and respectfully traversed in view of the following remarks.

The Examiner apparently is objecting to the specification amendment in which the terms "or automatic" are inserted between "manual" and "transmission". In response to this, the Applicant directs the Examiner's attention to the fact that the original description does, in fact, mention "Schaltgetriebe". This term means a "transmission" in which different gears can be shifted, either manually, semi-automatically or automatically. Enclosed are relevant pages from a well known book entitled Zahnradgetriebe by Johannes Looman. The attached pages of that book contains the word "Schaltgetriebe" at the top of the pages from manual transmissions as well as at the top of the page for automatically shifted transmission. In view of this, the Applicant respectfully submits that anyone skilled in the art would know that controlling operation of the clutch (40) and the motor (22) and forming a blocking device by simultaneously engaging two gear stages cannot easily be achieved by a manually operated transmission, as implied by the Examiner in raising the new matter rejection.

The Applicant respectfully submits that the Examiner is correct that one translation of the word "Schaltgetriebe" means "manual transmission", but based upon the original disclosure of this application, it is readily apparent that a manually shifted transmission was not specifically contemplated by the presently pending disclosure. In particular, the invention is directed toward automatically shifted and semi-automatically shifted transmissions in which control of the various disclosed components is required.

In summation, it is respectfully submitted that the entered specification amendments do not, in fact, enter any new subject matter. However, in the event that the Examiner prefers that

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the term "or automatic" be canceled from the specification, please contact the undersigned to obtain authorization to cancel the same by way of an Examiner's amendment.

Claims 13-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 13, 14, 16 and 20 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Sherman '111. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

The Applicant thanks the Examiner for indicating that claims 15, 17-19, 21-29 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, the subject matter of claims 17, 18, 21, 22 and 23 are appropriately revised and rewritten in independent form. Such amended independent claims are now believed to be allowable.

In addition, as noted above, claims 24 and 25 are suitably revised and are now believed to recite allowable subject matter. As claims 26-29 all depend from revised independent claim 25, those dependent claims are also believed to be allowable.

In view of the above claim amendments, the Applicant respectfully submits that further comments concerning the applied prior art is not believed necessary. The Applicant also notes the remaining prior art cited in the official action. As none of that additional art is applied by the Examiner against the claims of this application, the Applicant is not providing any comments concerning that art as well.

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If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Sherman '111 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

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In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.
November 7, 2003.

By: 

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